

Advisory Action

Application No. 08/113,561	Applicant(s) Adams et al.
Examiner Gary Benzion, Ph.D.	Group Art Unit 1803

**THE PERIOD FOR RESPONSE: [check only a) or b)]**

- a) expires _____ months from the mailing date of the final rejection.
- b) expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on 26 Sep 1996 ^{10/1/96} has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

The proposed amendment(s):

- will be entered ~~upon filing of a Notice of Appeal and an Appeal Brief~~.
- will not be entered because:
 - they raise new issues that would require further consideration and/or search. (See note below).
 - they raise the issue of new matter. (See note below).
 - they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: Please see attachment regarding petition under 37 CFR 1.116, 1.127 and 1.181

Applicant's response has overcome the following rejection(s):

- Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
- The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 2-4, 47, 51, 52, 55-58, and 60-67

- The proposed drawing correction filed on _____ has has not been approved by the Examiner.
- Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Other


JOHN J. DOLL
DIRECTOR
GROUP 1800


GARY BENZION, PH.D.
PRIMARY EXAMINER
ART UNIT 1803

5

Attachment to Advisory Action, PTO-303.

Claim 50 has been canceled as requested in Applicants amendment filed under 37 CFR 1.116.

Applicants' petition under 37 CFR 1.181 has been treated as a request for reconsideration to cancel claims 53 and 54. Claims 53 and 54 have been canceled.

10 The status of claim 66 remains unchanged as neither amendment nor petition has requested a change in the status of that claims.

Communications

Any inquiry concerning this or earlier communication from the examiner should be directed to Dr. Gary Benzion, Ph.D. whose telephone number is (703) 308-1119. The examiner can normally be reached on Monday-Friday from 8 AM to 4:30 PM. If attempts to reach the examiner by telephone are 15 unsuccessful, the examiner's supervisor, Douglas W. Robinson can be reached on (703)-308-2897. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

20 Papers related to this application may be submitted to Group 1800 by facsimile transmission. Papers should be faxed to Group 1800 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703)- 308-4227.

Benzion
01/15/97